

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GREGORY BARNES,

Plaintiff,

- against -

ELI LILLY CORPORATION, et al.,

Defendants.

ORDER

07 Civ. 5855 (DC) (RLE)

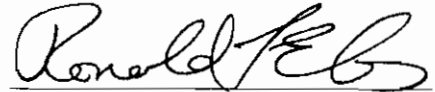
RONALD L. ELLIS, United States Magistrate Judge:

Gregory Barnes seeks permission to file a third amended complaint which includes four Defendants: Eli Lilly & Company, Christine Murphy, Doctor Kahn and Donald Sawyer. In his first amended complaint, filed on July 16, 2007, Barnes listed Eli Lilly & Company, Doctor Kahn and John Doe #1 Attica C.F. Department of Mental Health as Defendants. In the second amended complaint, filed on September 27, 2007, Barnes listed Christine Murphy, Doctor Kahn, Donald Sawyer, and Brian Fisher as Defendants. The second amended complaint thus appeared to remove Eli Lilly & Company as a Defendant. The proposed third amended complaint appears to remove Brian Fisher but to add back Eli Lilly & Company.

In addition, Barnes has failed to serve any of the Defendants, although an amended summons was issued as to Khan, Murphy, Sawyer and Fisher on March 7, 2008, following the filing of the second amended complaint. The 120 days to serve these Defendants expires on July 7, 2008.

IT IS HEREBY ORDERED THAT, by **June 16, 2008**, Barnes provide the Court with a final list of names for all Defendants he intends to name in his suit and a statement of the reasons for including each.

SO ORDERED this 27th day of May 2008
New York, New York

A handwritten signature in black ink, appearing to read "Ronald L. Ellis", written over a horizontal line.

The Honorable Ronald L. Ellis
United States Magistrate Judge